

## **REMARKS**

### **Status of the Claims**

Claims 1-20 were subjected to a Restriction Requirement dated December 27, 2002, from which claims 1-14 were selected. Accordingly, claims 15-20 were withdrawn from consideration. Of the selected claims, claims 1-11 stand rejected and have been canceled in this amendment. Claims 12-14 are allowed.

### **Advisory Action Dated August 12, 2004**

As an initial matter, the Applicant notes that an Advisory Action was issued on August 12, 2004. The Advisory Action provided that Applicant's proposed amendments would not be entered because they added a new limitation, and would require further search and consideration of all the prior art before the claim could be determined to be allowable. As discussed with the Examiner, Applicant believes that this Advisory Action was mailed in error because it overlooked Applicant's Request for Continued Examination, which was submitted with its May 24, 2004 Response to the Final Office Action. After reviewing the file, the Examiner indicated that she would proceed with examination of the application on its merits.

## **The Response**

Claims 1-3 and 5, 6, 10 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,567,461 to Lehrer ("Lehrer"). In particular, the Examiner states that Lehrer discloses "... a filtration device, seen as pockets (18) in Fig. 3, dimensioned to fit within an inlet and obstructing at least a portion of the inlet,... a filtration device support, seen as bottom layer (12), dimensioned and adapted to cooperatively engage with the inlet and with the filtration device in a pre-selected position within the inlet, and ... a separate adjustable deflector ring, seen as the top layer (14), connected to the filtration device support, the layer (14) containing at least one flow control wall along at least one outer edge, seen in Fig. 3 as the circumferential wall formed in the basket (22) by the layer (14)." Office Action dated September 9, 2004 at page 2.

Claims 1-3, 5, 6 and 9-11 are also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,744,048 to Stetler ("Stetler"). In particular, the Examiner contends that Stetler discloses "... a filtration device, seen as filtration vessel (50) in Fig. 2, which has absorbent media, dimensioned to fit within an inlet and obstructing at least a portion the inlet... a filtration device support, seen as standpipe (100), dimensioned and adapted to cooperatively engage with the inlet and with the filtration device in a pre-selected position within the inlet, and ... a separate adjustable deflector ring, seen as the screen (60), connected to the filtration device support, the screen (60) containing at least one flow control wall along at least one outer edge, seen in Fig. 2 as the circumferential wall formed by the screen (60)." Office Action dated September 9, 2004 at page 3.


Applicant respectfully submits that neither Lehrer nor Stetler anticipates the referenced claims. In a sincere effort to place the claims in a condition of allowance, however, Applicant has canceled claims 1-11. Accordingly, the rejections under 35 U.S.C. § 102(b), as well as those under 35 U.S.C. § 103(a), are rendered moot.

### CONCLUSION

Applicant respectfully submits that all claims are in proper form and condition for allowance. Outside the fee for the Extension of Time Petition, it is believed that no other fee is due at this time. Should any fee be required for any reason related to this document, however, the Commissioner is authorized to charge said fee to Deposit Account No. **08-3038**, referencing Docket No. **11533.0012.CPUS05**. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned.

Respectfully Submitted,

Date: February 8, 2005

  
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